App. F. IX-4

1940

Previous Referenc 193 . ( ) Courts

File No. 77-40

Serial Nos. 1-2

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only

Part B for November 1940.

SUBJECT.

Amendment to rule contained in paragraph 56 of Criminal Rule of Practice & Circular Orders Vol I (1934)

From

The Registrar High Court

Roc. No. 1462/39-40 Dt. 26.9.1940

Requests sanction to the amend the Criminal Rules of practice Vol I pages 56, 58 & 59 of

A typed Copy of the Cases pages 56, 58 & 59 which are proposed to be amended is put up for reference.

A draft of a G.O. sanctioning is also submitted for approval or other orders

28/10 (The lines proposed to be added are indicated in red ink)

May be approved

(Addl Secretary) 3

28/10/40

(Member) 4th

R. O. C. No. 1462 / 39-40
~~D. Dis.~~

Enc: one

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 23rd September 1940
24

T. Shamiengar, Esq., B.A., B.L.,
~~A. Sundararaja Rao, Esq., B.A., B.L.,~~
~~3. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore

SECY. TO GOVT. OF MYSORE FROM DEPT. 23 SEP 1940

To

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government,
Law Department,
Bangalore.

SIR,

I am directed to state that it has been sometimes thought that the rule contained in paragraph 56 on page 203 of Criminal Rule of Practice and Circular Orders, Volume I (1934), as it stands at present, restricts the occasions on which an officer of Police may inspect the records of a criminal case to those mentioned in the rule and that a Police Officer cannot claim to inspect such records in connection with the question whether an appeal or revision petition should be preferred by the Government, though such a restriction may be very inconvenient. The High Court is of opinion that no obstacle need be thrown in the way of the Police inspecting the record of any criminal case. In this connection the rules in paragraphs 58 and 59 on page 204 of the said Volume of Criminal Rules of Practice and Circular Orders also need some amendment. The High Court therefore proposes that in paragraph 56 the words " will facilitate the detection or prevention of crime or is desired for examination of the conduct of Police Officers connected with the case" be deleted and the words " is desirable " be substituted in their place, that an addition be made to paragraph 58, viz., " The inspecting Officer may take a copy of or make notes regarding any document inspected by him", and that the second sentence of paragrapl 59 be deleted, as it does not come in conveniently there.

I am directed to enclose a draft of the proposed amendments and to request that the amendments may be sanctioned by the Government.

I have the honour to be,

Sir,

Your most obedient servant,

J. Shannon

Registrar.

Draft Amendments.

Under Section 554 of the Code of Criminal Procedure d with the previous sanction of the Government) the High Court hereby makes the following Amendments to paragraphs 56, 58 and 59 printed at pages 203-204 of the Criminal Rules of Practice and Circular Orders, Vol I, (1934), Viz.,:-

1. In paragraph 56 delete the words "will facilitate the detection or prevention of crime or is desired for examination of the conduct of Police Officers connected with the case" and substitute for them the words "is desirable".

2. Add to the paragraph 58

"The inspecting Officer may take a copy of or make notes regarding any document inspected by him"

3. Delete the second sentence of paragraph 59.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

Section Cash

File No. 77-40

Serial No. 2

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 8/11/40 193

Read—

Signed by ..... Asst. K.P.P.

Letter No Roc 1662/39-40 Dt 24.9.1940 from the Registrar High Court of Mysore stating that it is proposed to amend paragraphs 56, 58 and 59 of the Criminal Rules and circular orders of practice, Vol. I (1934)

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

~~Order thereon:—~~ No.

And requesting sanction thereto

Order P2345 Dt 8.11.40

Sanctioned

The A Statement embodying
the proposed amendments
to referred to above as
appended to this Order

HM
30/10/40

Secretary to 10th
Lord Selborne

To
The Registrar Privy Council

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:—

Letter No.R.O.C.1462/39-40 dated 24th September 1940 from the Registrar, High Court of Mysore stating that it is proposed to amend paragraphs 56, 58 and 59 of the Criminal Rules of Practice and Circular orders Volume I (1934) and requesting sanction thereto.

Order No. P2345 Ch 39-40-2

Dated, Bangalore the 8th November 1940.

S A N C T I O N E D.

A statement embodying the amendments referred to above is appended to this order.

Secretary to Government,
Law Department.

To

The Registrar, High Court of Mysore.

Amendments to paragraphs 56, 58 and 59 printed at pages 203-204 of the Criminal Rules of Practice and Circular Orders, Vol. I, (1934).

1. In paragraph 56 delete the words "will facilitate the detection or prevention of crime or is desired for examination of the conduct of Police Officers connected with the case" and substitute for them the words " is desirable"

2. Add to the paragraph 58

"The Inspecting Officer may take a copy of or make notes regarding any document inspected by him."

3. Delete the second sentence of paragraph 59.

For Secretary to Government,
Law Department.

56. Whenever it shall appear to any officer of police, not below the rank of Inspector of Police, that an inspection of the records of any criminal trial or appeal will facilitate the detection or prevention of crime or is desired for examination of the conduct of police officers connected with the case, such officer may apply to the Sessions Judge or presiding magistrate of the court in which the records are lodged for permission to inspect the same

57)

58. Every inspection of records under these rules shall be conducted by an officer of police not below the rank of Inspector of Police, it shall take place withing the precincts of the court in which the records are lodged and in the presence of an officer of the court who shall be deputed by the Sessions Judge or Magistrate for the purpose and no record or part of a record shall be removed by the inspecting officer from the precincts of the court. The inspecting officer may take a copy of or make notes regarding any document inspected by him

59. The records of cases should not be sent in original to Police officers nor should they be sent out of the Mysore State

Copies of the documents required may be furnished or an officer may be permitted to look at the record and take copies or make notes.